

REMARKS

In response to the final Official Action of June 15, 2010 and the Advisory Action of September 8, 2010, claims 1, 4-6, 11, 14, 15, 19, 23, 29, 31, 33, 41, and 44 have been amended in a manner which is believed to particularly point out and distinctly claim the invention. With respect to independent claims 1, 11, 19, 25, 29, 31-33, 41, and 44, support is found in the original application as filed, including page 7 of the specification. The dependent claims have been amended in view of the amendment to the independent claims. No new matter is added.

Claim Rejections - 35 USC §103

At section 8 of the Office Action, claims 1, 4-8, 10, 11, 13-16, 18, 19, 21-26, 29, 31-41, 43, and 44 are rejected under 35 USC §103(a) as unpatentable under US patent 6,226,618, Downs, et al (hereinafter Downs) in view of U.S. publication 2007/0162398 Tadayon et al. (hereinafter Tadayon).

The abstract of Tadayon discloses digital content which is associated with usage rights and transfer permission information. Paragraph [0027] discloses:

[0027] FIG. 3 illustrates an exchange method in accordance with the preferred embodiment. When users 130 and 132 wish to exchange usage rights to content, a request is sent to server 250 from one of the users in step 400. Rights transfer module 252 checks transfer permission module 214 to ascertain if the requested transfer has been authorized by the content owner or other applicable party in step 402. If such permission has been granted, transfer permission module 214 manipulates current user ID flag module 216 to reflect the exchange in current users of the content, i.e. user 130 because the current user of content 310 and user 132 becomes the current user of content 210, in step 404.

[0027] Subsequently, in step 406, transfer permissions module 214 changes the usage rights 212 and 312 to prohibit use by users 130 and 132 of content 210 and 310 respectively and to permit the same use by the new user 132 and 13 respectively. Finally, in step 408, works 200 and 202 are exchanged between users 130 and 132 with the new usage rights 212 and 312 respectively. Alternatively, works 200 and 202 can be redistributed from distributor 120 or clearinghouse 150 to users 130 and 132. In any case, clearinghouse 150 can track all transactions, usage rights, current user data, and the like. (emphasis added)

In other words, the transfer permission module 214 has nothing to do with checking a permission to transfer the digital work. The transfer permission module 214 only checks that is it allowed to change the usage rights, e.g. between two users.

This can be stated in another way: The transfer permission module 214 checks if the user 130 is allowed to transfer his rights to the other user 132 to use the digital content and vice versa. This kind of transferring rights is quite different from transferring a digital work.

Furthermore, claim 1 has been amended to indicate that the action of verifying the integrity of information is now directed to verifying the integrity of a tag contained in a package for distribution by an electronic device. As seen in the application as originally filed, including page 7, lines 11-16, "The provider defines the conditions for the distribution of the package and stores them as a tag 14. The header field 1.1 of the package comprises an attribute section in which the tag 14 is included. The purpose of the tag is at least to control the distribution of the package 1 for one device to another as will be shown later in the description."

Thus, claim 1 as amended makes clear that the action of "verifying the integrity" is with respect to a tag contained in a package for distribution and that said tag comprises information indicative of the conditions in which distribution of the package is allowed. Tadayon discloses permission being generated based on the identification

indicated by the request and not with regard to a tag comprising information indicative of the conditions in which distribution of the package is allowed (see Tadayon, Abstract).

The Office asserts that Downs discloses verifying the integrity of information contained in a package for distribution by an electronic device, indicative of the conditions in which the distribution of the package is allowed, and if the verification of the integrity of the package fails, prohibiting the distribution of the package; if said verifying does not fail, examining said information indicative of the conditions in which the distribution of the package is allowed to determine whether the distribution of the package is allowed; and if said examining determines that distribution of the package is allowed, distributing said package, wherein said the usage conditions and the media object are stored in different files.

The applicant respectfully disagrees. The cited passages of Downs do not teach at least *information indicative of the conditions in which the distribution of the package is allowed*. Thus, in cited col. 7, lines 18—24, it discloses:

A SC is a cryptographic carrier of information or content that uses encryption, digital signatures, and digital certificates to provide protection against unauthorized interception or modification of electronic information and content. It also allows for the verification of the authenticity and integrity of the Digital Content.

This subject matter does not relate to information indicative of the conditions in which the distribution of the package is allowed.

Col. 7, lines 24—40 discloses:

The advantage of these rights management functions is that the electronic Digital Content distribution infrastructure does not have to be secure or trusted. Therefore transmission over network infrastructures such as the Web and Internet. This is due to the fact that the Content is encrypted within Secure Containers and its storage and distribution are separate from the control of its unlocking and use. Only users who have decryption keys can unlock the encrypted Content, and the

Clearinghouse(s) releases decryption keys only for authorized and appropriate usage requests. The Clearinghouse(s) will not clear bogus requests from unknown or unauthorized parties or requests that do not comply with the content's usage conditions as set by the content proprietors. In addition, if the SC is tampered with during its transmission, the software in the Clearinghouse(s) determines that the Content in a SC is corrupted or falsified and repudiate the transaction. (emphasis added)

This passage clearly implies that the encrypted content can be delivered to end users, but only users having the right to use the content are provided with correct decryption keys. Hence, Downs fails to teach *if said verifying does not fail, examining said information indicative of the conditions in which the distribution of the package is allowed to determine whether the distribution of the package is allowed; and if said examining determines that distribution of the package is allowed, distributing said package, wherein said package is distributed to another electronic device.*

As stated by the Office at page 4, lines 17-18 of the Office Action, Downs fails to disclose that the package includes information indicative of the conditions in which the distribution of the package is allowed.

Furthermore, Downs clearly fails to disclose a tag and the action of verifying the integrity of a tag contained in a package for distribution wherein the tag comprises information indicative of the conditions in which distribution of the package is allowed. Thus, Downs fails to disclose this feature of claim 1 as now amended.

For all of the foregoing reasons, it is therefore respectfully submitted that the combination of Tadayon and Downs does not disclose or suggest the features of amended claim 1.

Because independent claims 11, 19, 25, 29, 31-33, 41, and 44 comprise similar features to claim 1 and are rejected on similar grounds, it is respectfully submitted that independent claims 11, 19, 29, 31, 33, 41, and 44 are also distinguished over Downs for the reasons presented above with respect to claim 1.

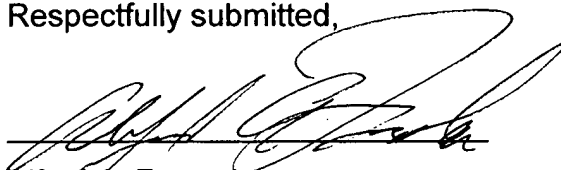
Dependent claims 4-8, 10, 14-16, 18, 21-26, 28, 32, 34-40, and 43 are also distinguished over Downs at least in view of the dependency of each of these claims from an independent claim which is believed to be allowable.

It is therefore respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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